

Filed in U.S. Bankruptcy Court
Atlanta, Georgia

IN THE UNITED STATES BANKRUPTCY
COURT FOR THE NORTHERN DISTRICT OF
GEORGIA ATLANTA DIVISION

MAR 30 2023

By: M. Regina Thomas, Clerk
Deputy Clerk

IN RE: Jordan Arthur Viehmeyer and) CASE NO. 23-52516-bem
Samantha Alysa Viehmeyer)
) CHAPTER 7
CO-DEBTOR(S).)

Motion for Sanctions for Violation of the Automatic Stay

1. Introduction:

The debtor, Jordan A. Viehmeyer, requests the court to impose sanctions on U-Haul Storage (located at 2800 Canton Rd #2000, Marietta, GA 30066, managed by Brianna Mazzuca) for their attempt to collect a debt, despite the automatic stay in place due to the debtor's Chapter 7 bankruptcy filing, and in violation of Title 11 of the U.S. Bankruptcy Code, specifically 11 U.S.C. § 362. As part of the debtor's due diligence, U-Haul Storage was initially notified of the pending bankruptcy case via email sent to store manager Brianna Mazzuca on March 19, 2023 (*See Exhibit A: Email to Store Manager*).

Additionally, after receiving these emails, the debtor pursued yet another attempt of due diligence by notifying Omar at the U-Haul Corporate Office by phone on March 26th, 2023, around 3:15 pm Eastern Time. Omar stated that Brianna had notated the account regarding the pending bankruptcy case including the case number, including the notice from the clerk provided to Brianna on March 19th, 2023. Omar also stated that U-Haul did not have a bankruptcy department, so the debtor was unable to communicate this message to the legal team at U-Haul following standard channels. At the time of this motion, no further attempts of due-diligence will be made by the debtor, unless otherwise ordered by this court.

Despite the fact that Brianna Mazzuca notated the account acknowledging the automatic stay pursuant to 11 U.S.C. § 362(a), U-Haul Storage persisted in sending correspondence regarding units 1043 and 1063 in violation of the automatic stay. The debtor observed that such communication continued 11 days after the bankruptcy case was filed and a mere 7 days after the debtor personally informed Brianna (the store manager) completing his due-diligence of the pending case. This series of events led the debtor to conclude that U-Haul Storage was indeed aware of the case but chose to disregard the automatic stay protections in place under 11 U.S.C. § 362(a) intentionally, **OR** failed to disable e-mail payment demand notifications (whether sent in an automatic nature or not) resulting in this violation.

2. Background:

The debtor filed for Chapter 7 bankruptcy protection on 3/15/2023. As per 11 U.S.C. § 362(a), an automatic stay was enacted to protect them from ongoing collection efforts by creditors. However, U-Haul Storage has violated the automatic stay by sending e-mail notices for both storage units on the premises on 3/26/2023 at around 12:50 AM Eastern Time. The notice also included a statement stating the following:

"A lien processing charge of \$50.00 has been charged to your account. If you have not already sent a payment, please mail your check today or go to uhaul.com/signin/ to remit payment and resolve the matter. **Failure to remit full payment of \$279.90 will result in your possessions being sold at public auction.**"

**** (Please refer to Exhibit's B and C - pages to follow)**

3. Violation of Automatic Stay:

U-Haul Storage's actions are in direct contravention of 11 U.S.C. § 362(a), which prohibits creditors from attempting to collect on debts during an automatic stay. The debtor has provided evidence of these violations in the form of notices and communications received from U-Haul Storage since the bankruptcy filing.

4. Request for Relief:

In light of the violations of 11 U.S.C. § 362(a) by U-Haul Storage, should U-Haul Storage be in violation of 11 U.S.C. § 362(a), the debtor respectfully requests the following relief:

1. Impose appropriate sanctions on U-Haul Storage, which may include actual damages, attorney's fees, and, in some cases, punitive damages, as per 11 U.S.C. § 362(k).
2. Order U-Haul Storage to immediately cease any further attempts to collect the debt or take actions against the debtor's property.
3. Direct U-Haul Storage to return the debtor's property, specifically the belongings stored in the storage units (1043 and 1063), on the grounds that their notices and actions were found to be in violation of 11 U.S.C. § 362(a).

5. Enclosed Documentation:

Attached hereto as Exhibit A are true and correct copies of the emails sent by the debtor, Jordan A. Viehmeyer, to U-Haul Storage manager Brianna Mazzuca, notifying her of the pending bankruptcy case and the automatic stay as well as documentation provided by the clerk of this court. Additionally, attached hereto are Exhibit B (Email received on 3/26/2023 – Late Notice – Stage 4 – Unit 1043) and Exhibit C (Email received on 3/26/2023 – Late Notice – Stage 4 – Unit 1063) which are true and correct copies of the emails received by the debtor.

6. Conclusion:

In conclusion, the debtor seeks the court's intervention under 11 U.S.C. § 362 to address U-Haul Storage's violation of the automatic stay, requests the imposition of sanctions as deemed appropriate by the court, and the return of the debtor's property. The debtor is willing to provide any additional information or documentation that may be required to resolve this matter.

Respectfully submitted, this 27th day of March 2023.

/s/Jordan Viehmeyer (**Pro-Se**)
/s/Samantha Viehmeyer (**Pro-Se**)

3106 Bridgewalk Trail
Acworth, GA 30101-3013
Ph # 404-201-0397
Emails:
(Jordan Viehmeyer)
dad@alysaandjordanplustwo.baby
(Samantha Viehmeyer)
mom@alysaandjordanplustwo.baby

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IN RE: Jordan Arthur Viehmeyer and)	CASE NO. 23-52516-bem
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Exhibit A:

**Email Correspondence Between Debtor and U-Haul Storage Manager
Dated the 19th day of March 2023 in response to an email received on
the 11th day of March 2023.**

Re: A message from U-Haul Moving & Storage At Canton Rd

U-Haul Moving & Storage At Canton Rd
jordan.viehmeyer@outlook.com
Sat, Mar 11, 2023, 12:51 AM

U-Haul Moving & Storage At Canton Rd
2800 Canton Rd #2000
Marietta, GA 30066

ADDRESS SERVICE REQUESTED

JORDAN VIEHMEYER
466 GREGORY LN # 608
608
ACWORTH, GA 30102

1043

Date: 3/10/2023

PRE-LIEN NOTICE

Dear Jordan Viehmeyer,

Your rent payment is now 15 days past due. An additional \$15.00 pre-lien fee has been charged.

We hereby make immediate demand for full payment in the amount of \$224.90. If full payment is not received within 15 days, your right to use storage room 1043 shall be terminated, a \$50.00 lien processing fee will be assessed, and a contractual landlord's lien and any applicable statutory liens will be imposed on the personal property contained within the room.

If you have not already sent payment, please send your check today or go to [uhaul.com/signin/](https://www.uhaul.com/signin/) to remit payment and resolve this matter.

Sincerely,

Brianna Mazzuca
U-Haul Moving & Storage At Canton Rd.
(678) 810-1141
777030

Account Summary - Room #: 1043

Monthly Rent	:	\$64.95		
Date of Last Payment	:	Feb 1 2023	<u>Item</u>	<u>Amount</u>
Amount of Last Payment	:	\$100.00	Rent	\$64.95
			Delinquent Fees	\$30.00
Payment Due Date	:	Feb 24 2023		
Rent Paid-Thru Date	:	Feb 23 2023	Current Balance	<u>\$94.95</u>

Image: Jordan Viehmeyer
Image: U-Haul Moving & Storage At Canton Rd
Image: Sun, Mar 19, 2023, 12:43 AM
Image.jpeg:

Please be aware that there is an open Bankruptcy Case pending. Please halt any future attempts to collect this debt pursuant to Title 11 of United States Bankruptcy Code until further notice.

2 Emails

**IN THE UNITED STATES BANKRUPTCY
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Exhibit B:
Email Correspondence Between U-Haul Storage Manager and Debtor
Dated the 26th day of March 2023.

Titled: Late Notice – Stage 4 (Unit 1043)

A message from U-Haul Moving & Storage At Canton Rd

U-Haul Moving & Storage At Canton Rd
jordan.viehmeyer@outlook.com
Sun, Mar 26, 2023, 12:50 AM

U-Haul Moving & Storage At Canton Rd
2800 Canton Rd #2000
Marietta, GA 30066

ADDRESS SERVICE REQUESTED

JORDAN VIEHMEYER
466 GREGORY LN # 608
608
ACWORTH, GA 30102

1043
Date: 3/25/2023

LATE NOTICE 4TH STAGE

Dear Jordan Viehmeyer,

We have not received your monthly payment for storage room # 1043. The rent was due on 2/24/2023.

A lien processing charge of \$50.00 has been charged to your account.

If you have not already sent payment, please mail your check today or go to uhaul.com/signin to remit payment and resolve this matter. Failure to remit full payment of \$209.90 will result in your possessions being sold at public auction.

Sincerely,

Brianna Mazzuca
U-Haul Moving & Storage At Canton Rd
(678) 810-1141

Account Summary - Room #: 1043

Monthly Rent	:	\$64.95	<u>Item</u>	<u>Amount</u>
Date of Last Payment	:	Feb 1 2023	Rent	\$129.90
Amount of Last Payment	:	\$100.00	Delinquent Fees	\$30.00
			Other Fees	\$50.00
Payment Due Date	:	Feb 24 2023		
Rent Paid-Thru Date	:	Feb 23 2023	Current Balance	<u>\$209.90</u>

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Exhibit C:
Email Correspondence Between U-Haul Storage Manager and Debtor
Dated the 26th day of March 2023.

Titled: Late Notice - Stage 4 (Unit 1063)

A message from U-Haul Moving & Storage At Canton Rd

From: U-Haul Moving & Storage At Canton Rd
To: jordan.viehmeyer@outlook.com
Sent: Sun, Mar 26, 2023, 12:50 AM

U-Haul Moving & Storage At Canton Rd
2800 Canton Rd #2000
Marietta, GA 30066

ADDRESS SERVICE REQUESTED

JORDAN VIEHMEYER
466 GREGORY LN # 608
608
ACWORTH, GA 30102

1063
Date: 3/25/2023

LATE NOTICE 4TH STAGE

Dear Jordan Viehmeyer,

We have not received your monthly payment for storage room # 1063. The rent was due on 2/24/2023.

A lien processing charge of \$50.00 has been charged to your account.

If you have not already sent payment, please mail your check today or go to [ubhaul.com/signin/](https://www.ubhaul.com/signin/) to remit payment and resolve this matter. Failure to remit full payment of \$279.90 will result in your possessions being sold at public auction.

Sincerely,

Brianna Mazzuca
U-Haul Moving & Storage At Canton Rd
(678) 810-1141

Account Summary - Room #: 1063

Monthly Rent	:	\$99.95	<u>Item</u>	<u>Amount</u>
Date of Last Payment	:	Feb 1 2023	Rent	\$199.90
Amount of Last Payment	:	\$100.00	Delinquent Fees	\$30.00
			Other Fees	\$50.00
Payment Due Date	:	Feb 24 2023		
Rent Paid-Thru Date	:	Feb 23 2023	Current Balance	\$279.90

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE: Jordan Arthur Viehmeyer and) Case No: 23-52516-bem
Samantha Alysa Viehmeyer)
) Chapter 7
)
)
Debtor(s)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify under penalty of perjury that I am, and at all times hereinafter mentioned, was more than 18 year of age, and that on the 27th day of March, 2023 I served a copy of the Motion for Sanctions for Violation of the Automatic Stay
which was filed in this bankruptcy matter on the 27th day of March, 2023

Mode of service (check one):

☒ MAILED

☐ HAND DELIVERED

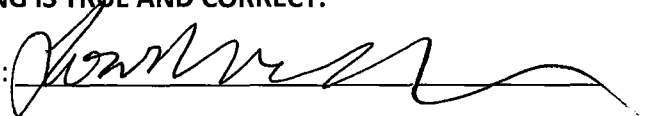
Name and Address of each party served (If necessary, you may attach a list.):

Brianna Mazzuca (Store Manager) | U-Haul Storage
Marietta
2800 Canton Rd #2000, Marietta, GA 30066
VIA USPS CERTIFIED MAIL

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dated: 3/27/2023

Signature:



Printed Name: Jordan Arthur Viehmeyer

Address: 3106 Bridgewalk Trail
Acworth, GA 30101

Phone: 404-201-0397

Jordan Viehmeyer
Jordan Viehmeyer
3106 BRIDGEWALK TRL
ACWORTH GA 30101-3013

United States Courthouse
75 Ted Turner Drive, SW
75 Ted Turner Dr Sw
ATLANTA GA 30303-3315

ABC

CLEARED DATE

MAR 29 2023

U.S. Marshals Service
Atlanta, GA 30303

